



Rushcliffe
Borough Council

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8277
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Our reference:
Your reference:
Date: Wednesday, 6 May 2020

To all Members of the Planning Committee

Dear Councillor

A Virtual Meeting of the Planning Committee will be held via Zoom on Thursday, 14 May 2020 at 2.00 pm to consider the following items of business.

The meeting will be live streamed via YouTube for the public to listen and view via the link: <https://www.youtube.com/user/RushcliffeBC>

Note: Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

The application in item 4 of the agenda, in accordance with the Council's Constitution and the scheme of delegation for planning applications, will be considered by the Executive Manager – Communities and the Chairman of the Planning Committee under delegated authority on Thursday 14 May 2020, prior to the Planning Committee. The decision on this application will be published on the website on or shortly after the 15 May 2020.

Interested parties who have commented on the planning applications in this agenda will receive formal notification and if they would have asked to speak at the committee in person they will receive written notification inviting them to submit a written statement of no more than 300 words which will be considered when these applications are determined.

Yours sincerely

Sanjit Sull
Monitoring Officer

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Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

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AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on (Pages 1 - 18)
4. Planning Applications to be determined by Delegated Authority (Pages 19 - 30)
Report of the Executive Manager – Communities
5. Planning Applications (Pages 31 - 60)
The report of the Executive Manager - Communities.
6. Tree Preservation Orders (TPO) (Pages 61 - 74)
Report of the Executive Manager – Communities.

Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: A Brennan, P Gowland, C Thomas and D Viridi

Meeting Guidance

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 12 MARCH 2020

Held at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman),
A Brennan, P Gowland, L Healy, A Major, C Thomas, D Viridi, B Gray and
A Phillips

ALSO IN ATTENDANCE:

Councillor G Moore

OFFICERS IN ATTENDANCE:

A Pegram
T Coop
R Sells
M Hilton

Service Manager - Communities
Democratic Services Officer
Solicitor
Area Planning Officer

APOLOGIES:

Councillors K Beardsall, J Murray and F Purdue-Horan

13 Declarations of Interest

14 Minutes of the Meeting held on 13 February 2020

The minutes of the meeting held on 13 February 2020 were agreed as a true record and were signed by the Chairman.

15 Planning Applications

The Committee considered the written report of the Executive Manager - Communities relating to the following applications, which had been circulated previously.

As a ward Councillor for East Leake, Councillor Carys Thomas withdrew from the meeting and did not take part in the following discussion.

19/02780/FUL – Front porch; demolition of garage and erection of single storey side and rear extension; roof alterations including increase in height, front/rear box dormer window and roof-lights to front elevation to facilitate accommodation in the roof; external render and timber cladding – 14 Brookside Avenue, East Leake, Nottinghamshire.

Updates

A representation from the ward Councillor objecting to the application was received after the agenda was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol Councillor Carys Thomas (Ward Councillor) addressed the Committee.

Comments

The Committee considered whether obscured glazing could be provided to the bathroom window that opens on to the new flat roof extension by way of an additional condition.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

REV A_(08) 001 - O.S. SITE LOCATION AND LAYOUT
(08) 004 - PROPOSED GROUND FLOOR LAYOUT
REV A_(08) 005 - PROPOSED FIRST FLOOR LAYOUT
REV A_(08) 006 - PROPOSED ELEVATIONS

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

4. The flat roof area of the single storey rear extension hereby approved shall at no time be accessed and used as a balcony/roof terrace.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the rear elevation(s) at upper floor levels of the approved development.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

6. Before the extension hereby approved are brought into use, the window in the north elevation at first floor level serving the en-suite shall be fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter the window shall be retained to this specification.

[To ensure a satisfactory development in the interest of amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as ****. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act

and the necessary measures to be taken.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

It is possible that the roof-space, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

19/00599/FUL – Construction of 3 new dwellings with associated parking and landscaping, and construction of new private access drive to Manor House – Manor House, 42 Fern Road, Cropwell Bishop, Nottinghamshire.

Updates

In accordance with the Council's public speaking protocol Nick Stanford (applicant's agent), Jonathan Greenwood (Cropwell Bishop Parish Council – Objector) and Councillor Gordon Moore (Ward Councillor) addressed the Committee.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, received 7 March 2019
Elevations Plot 1, drawing number 262/30A
Floor Layout Plot 1, drawing number 262/31A
Elevations Plot 2, drawing number 262/32
Layout Plans Plots 2 & 3, drawing number 262/33A
Elevations Plot 3, drawing number 262/35
Site Layout, drawing number 262/36D
Site Layout Landscape, drawing number 262/37B
Block Plan, drawing number 262/38B
Elevations, drawing number 262/39
Elevations, drawing number 262/40B
Garages, Beech House and The Chestnuts, drawing number 262/41

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following:
 - (i) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - (ii) A methodology and timetable of site investigation and recording, including programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation.
 - (iii) Provision for site analysis.
 - (iv) Provision for publication and dissemination of analysis and records provision for archive deposition.
 - (v) Nomination of a competent person/organisation to undertake the work.

The archaeological site work shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the planning authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

A copy of a final report of the archaeological site work carried out shall be submitted to the Local Planning Authority for approval within three months of the work (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive.

[To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible and to comply with NPPF 16: Conserving and enhancing the historic environment), Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged to ensure that appropriate measures are in place to safeguard against damage to or loss of heritage assets during the construction phase].

4. Prior to the commencement of the development hereby approved (including all preparatory work) a scheme, including a tree protection

plan, for the protection of the retained trees on the site in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of a 'No-Dig' construction technique that will be employed within the Root Protection Areas of all retained trees.

The development shall be carried out in accordance with the approved details and the protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of any approved tree protection fencing, nor is any excavation work to be undertaken within the confines of the fencing.

[To ensure existing trees are adequately protected during the development, in the interests of visual amenity and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that appropriate protection is provided and retained during the construction of the dwellings].

5. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Thereafter, the remediation scheme shall be implemented in full prior to the occupation of any dwellings.

[To make sure that the site, when developed, is free from contamination, in the interests of public health and safety and to comply with Policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. No construction of the external walls of the development shall commence or roof covering added until specific details of the facing and roofing materials to be used on all external elevations is submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

7. Prior to occupation of the dwellings hereby approved a detailed landscaping scheme for the site, including details of the replacement tree planting, shall be submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[In order to preserve the visual amenity of the area and enhance the biodiversity of the site, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1 : Core Strategy and Policies 1 (Development Requirements), 11 (Housing Development on Unallocated Sites within Settlements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The existing hedgerow along the western boundary of the application site shall be retained and maintained for the lifetime of the development. In the event any part of the hedgerow is removed or becomes severely damaged or diseased details of the size and species of replacement hedgerow plants should be submitted to and approved in writing by the Local Planning Authority and planted within the first available planting season following the loss of the hedgerow.

[To ensure that the hedgerow on the site is protected for the lifetime of the development, in order to preserve the visual amenity of the area and enhance the biodiversity of the site, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1 : Core Strategy and Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2 : Land and Planning Policies].

9. The development hereby approved shall be carried out in full accordance with the mitigation measures described in section 6 of the Ecological Appraisal Report of Manor Gardens, Fern Road, Cropwell Bishop, Nottinghamshire by JJH Consulting Limited, dated May 2019.

[To avoid harm to wildlife including protected species and nesting birds, in accordance with Policy 1 (Development Requirements) and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. Prior to occupation of the dwellings hereby approved details for the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 artificial bird nests and one bat box shall be erected on the site prior to occupation of the dwellings and retained for the lifetime of the development.

[To achieve a net gain in biodiversity, in accordance with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Occupation of the proposed dwellings shall not take place until the access and parking areas for the new dwellings have been provided in accordance with the approved Block Plan, drawing number 262/38B and Site Layout Plan, drawing number 262/36D. The access shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interests of highway safety and to prevent deleterious material / surface water from being discharged onto the public highway, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

12. Occupation of the proposed dwellings shall not take place until the access driveway is fronted by a dropped kerb vehicular crossing, with any redundant sections fronting the site being reinstated back to footway.

[To ensure that drivers can cross the footway in a safe and controlled manner and to comply with Policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

13. Occupation of the proposed dwellings shall not take place until the access has been provided with visibility splays of 2.4m x 43m, in accordance with the approved Block Plan, drawing number 262/38B. The visibility splays shall thereafter be retained for the life of the development.

[To ensure that drivers have an appropriate level of visibility when exiting the site, in the general interest of highway safety and to comply with Policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

14. The new access to serve the Manor House shall not be brought into use until visibility splays indicated on the approved Block Plan, drawing number 262/38B have been provided. The visibility splays shall thereafter be retained for the life of the development. The new access shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interests of highway safety and to prevent deleterious material / surface water from being discharged onto the public highway, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

15. Any gates to be erected at the access points to serve either the new dwellings or the existing Manor House shall open inward only and be set-back no less than 5.0 metres from the highway boundary.

[To ensure that drivers can station their vehicles clear of the public highway whilst the gates are opened/closed, to comply with Policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

16. An Electric Vehicle Charging Point shall be provided for each new dwelling hereby approved and installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

17. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

Condition 17 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

As a Bingham Town Councillor, Councillor Maureen Stockwood withdrew from

the meeting and did not take part in the following discussion.

19/01758/FUL and 19/01727/FUL – (i) Extension and alteration of existing pavilion to create additional indoor community facilities including additional indoor leisure space and improved changing facilities. Extension to car park to provide additional car parking spaces and coach parking facility and bin store. (ii) Erection of 4 columns of LED floodlights – Bingham Rugby Union Football Town Pavilion, Brendon Grove, Bingham, Nottinghamshire.

Updates

A representation was received from the planning agent in response to surface water flooding was received after the agenda had been published and was circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol, Ben Parker (objector) addressed the Committee.

Comments

The committee requested some minor changes to the opening/closing times and asked whether additional signage could be provided to advise patrons that the premises are located in a residential area, and to minimise disturbance when leaving the premises.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.

19/01758/FUL:

Time limit:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

Pre commencement conditions:

2. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Borough Council as Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a

pre commencement condition to ensure any necessary mitigation measures are in place prior to work commencing].

3. Prior to the commencement of development a surface water management plan to deal with surface water run off from the site shall be submitted to and approved by the Borough Council. The development shall thereafter be undertaken in accordance with the approved details.

[To ensure a satisfactory development and in the interests of flood risk to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that flood risk mitigation is designed into the scheme].

4. Prior to the commencement of the development a full specification for the design of the building shall be submitted to and approved by the Borough Council as Local Planning Authority. This specification shall include information to demonstrate that the building will be brick and block design, with an insulated roof (details of the structure and insulation shall be submitted), and details of glazing specification. The development shall thereafter be constructed in accordance with the approved details. Before the use is commenced a post completion noise assessment will be undertaken to demonstrate that the specification agreed has resulted in the predicted noise levels within the Acoustic Associates noise assessment ref JG/J3461/1746 dated December 2019 have been achieved.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the structure of the building is appropriate to its proposed use and the construction achieves the noise attenuation properties to mitigate any potential impact on nearby residential occupiers].

5. Prior to any works commencing on site a specification shall be submitted to and approved by the Borough Council for the proposed tree protection fencing shown to be erected on the approved tree protection plan ref B85.19 Fig 1 9 dated 29/11/2019 which shall also include details of tree protection measures to protect trees on the adjoining land to the west of the site. The approved scheme shall thereafter be implemented in accordance with the approved details prior to commencement of work (including site clearance on site) and retained in this manner whilst building operations are taking place.

[To ensure existing trees are adequately protected during the development and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. A pre-commencement condition is required in order to protect the retained trees from damage during construction].

6. Prior to the commencement of works on the car parking area details of the means of surfacing, drainage, levels and any lighting to the car park shall be submitted to and approved by the Borough Council as Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

[To ensure a satisfactory development and in the interests of flood risk to comply with policy 17 (Managing Flood Risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that flood risk mitigation is designed into the scheme].

Pre occupation conditions

7. Prior to the development hereby approved being brought into use a detailed landscaping scheme for the site (which shall allow for replacement and additional tree planting) shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to the commencement of the use of the community hall element of the scheme, a noise management plan shall be submitted to and approved by the Borough Council. This plan shall include details relating to a sound limiting device to ensure DJ controls are in place to limit noise impact, together with details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors that the premises are located within a residential area and to minimise disturbance when leaving the premises, particularly late at night. The agreed mitigation shall be in place prior to uses commencing and shall thereafter be implemented in accordance with the approved details.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the commencement of the use of the community hall details of cycle stands for the site shall be submitted to and approved by the Borough Council. These cycle stands shall be implemented in accordance with the approved details prior to the use of the community hall commencing.

[To encourage sustainable travel in accordance with the aims of Policy

14 (Managing Travel Demand) of Rushcliffe Local Plan Part 1: Core Strategy].

10. Prior to the commencement of use of the community hall element of the scheme the proposed electric charging points as shown on the approved site layout plan shall be installed and become operational whilst the buildings and site are open to the public.

[In order to address the causes and impacts of climate change and in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

11. Prior to the building first being brought into use the ecological mitigation and enhancements works identified in the submitted Ecological Assessment (Landscape Science Consultancy) shall be completed in accordance with a scheme to be submitted and approved by the Borough Council.

[To ensure the incorporation of features that benefit biodiversity, and to comply with 38 (Non designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. The proposed community hall shall not be brought into use until the car park extension as shown on drawing number Site Plan 4723/HA/18/004 Rev P3 has been constructed in accordance with details of means of surfacing and drainage, and levels and lighting which shall have been submitted to and approved in writing by the Borough Council as Local Planning Authority. The parking spaces shall thereafter remain available for the parking of vehicles.

[In the interests of highway safety and in accordance with Policy 14 (Managing travel demand) of the Rushcliffe Local Plan Part 1 - Core Strategy].

Other conditions

13. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Bin Store details drawing ref 4723/HA/18/008P1 (P1)
 - Tree Protection Plan (Landscape Science Consultancy Ltd) B85.19.Fig 1
 - Site Plan 4723/HA/18/004 Rev P3
 - Proposed Ground and roof plan 4723/BRC/19/006 Rev P3
 - Proposed elevations 4723-007P1

[For the avoidance of any doubt and in the interests of amenity, and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The use of the building shall be restricted to the hours of 09.00 - 22.00 hours Monday to Thursday, 09.00 to 23.00 hours Friday, 10.00 - 23.00 hours Saturday and 0900 - 14.00 hours on Sunday or Bank holiday.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. When live or amplified music is being played in the building all external doors and windows shall remain closed and shall only be opened in an emergency or for access and egress.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. The development shall be undertaken in accordance with the Precautionary Method Statement relating to Nesting Birds as set out in Appendix 2 of the Ecological Assessment (Landscape Science Consultancy).

[To ensure the incorporation of features that benefit biodiversity, and to comply with Policy 38 (Non designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

17. The development hereby approved relates to extension and alteration of the existing building and not to a replacement facility.

[For the avoidance of doubt and to ensure a satisfactory development in accordance with the aims of policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

18. Prior to the extensions proceeding above damp proof course level or alterations being carried out to the external fabric of the existing building, details of the external materials/finishes and roofing materials, including colour, shall be submitted to and approved by the Borough Council. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

You are reminded that the approved Tree Report suggests the need for the use of grasscrete or a reduced dig construction for the coach parking area of the car park and the submission of details required under condition 6 and 12

should reflect this.

You are advised that in relation to the condition 7 consideration will need to be given to the species proposed. Trees within or close to area of parking need to be suitable for their location and it is considered that there appears to be space for replacement planting to the north of the car park. Tree planting outside of the car park should be native where possible.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

Your attention is drawn to the following information:

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.

Good practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out on or adjacent to sensitive habitats.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal.
- Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted.
- Consideration should be given to energy efficiency, alternative energy generation, green travel (including cycle storage and electric vehicle charging), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

19/01727/FUL:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development shall be undertaken in accordance with the following approved plans and details:

- location plan 4723-005-A- proposed
- clearvision technical specification dated 8/4/19
- additional lighting Assessment information and specificaton by Clearvision update 5/11/2019

[For the avoidance of doubt and to ensure an acceptable development on the site in the interests of residential amenity and ecology and to accord with Policy 1 of Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

3. Within one month of the development hereby approved being first brought into use the existing floodlights on the site serving the training area shall be removed from the site.

[To avoid a proliferation of lighting on the site in the interests of residential amenity and ecology and to accord with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The floodlights hereby approved shall only be switched on between the hours of 5pm and 9.30pm on Tuesdays and Thursdays and on evenings when matches are taking place.

[In the interests of residential amenity and ecology and to accord with Policy 1 of Rushcliffe Local Plan Part 2: Land and Planning Policies].

As ward Councillors for Cotgrave, Councillor Richard Butler and Councillor Leo Healey withdrew from the meeting and did not take part in the following discussion. The Vice-Chairman took the Chair.

17/02345/VAR – Vary condition 4 of planning permission 11/01789/FUL to allow one garage to be used as a storage until in connection with Manor House Kilgraney Farm – Manor House, Kilgraney Farm, Owthorpe Road, Cotgrave, Nottinghamshire.

Update

There were no updates for this item.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.

1. The two garage spaces and open parking space as denoted 1, 2 and 3 on drawing JD/100/02/C dated 22 February 2018 shall be retained available for parking at all times for the lifetime of the development.

[To ensure that adequate car parking facilities are provided in connection with the development and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No alterations shall be made to the external appearance of the garage block without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the installation of security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

The meeting closed at 8.41 pm.

CHAIRMAN

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Planning Committee

14 May 2020

Planning Applications Under Delegated Authority

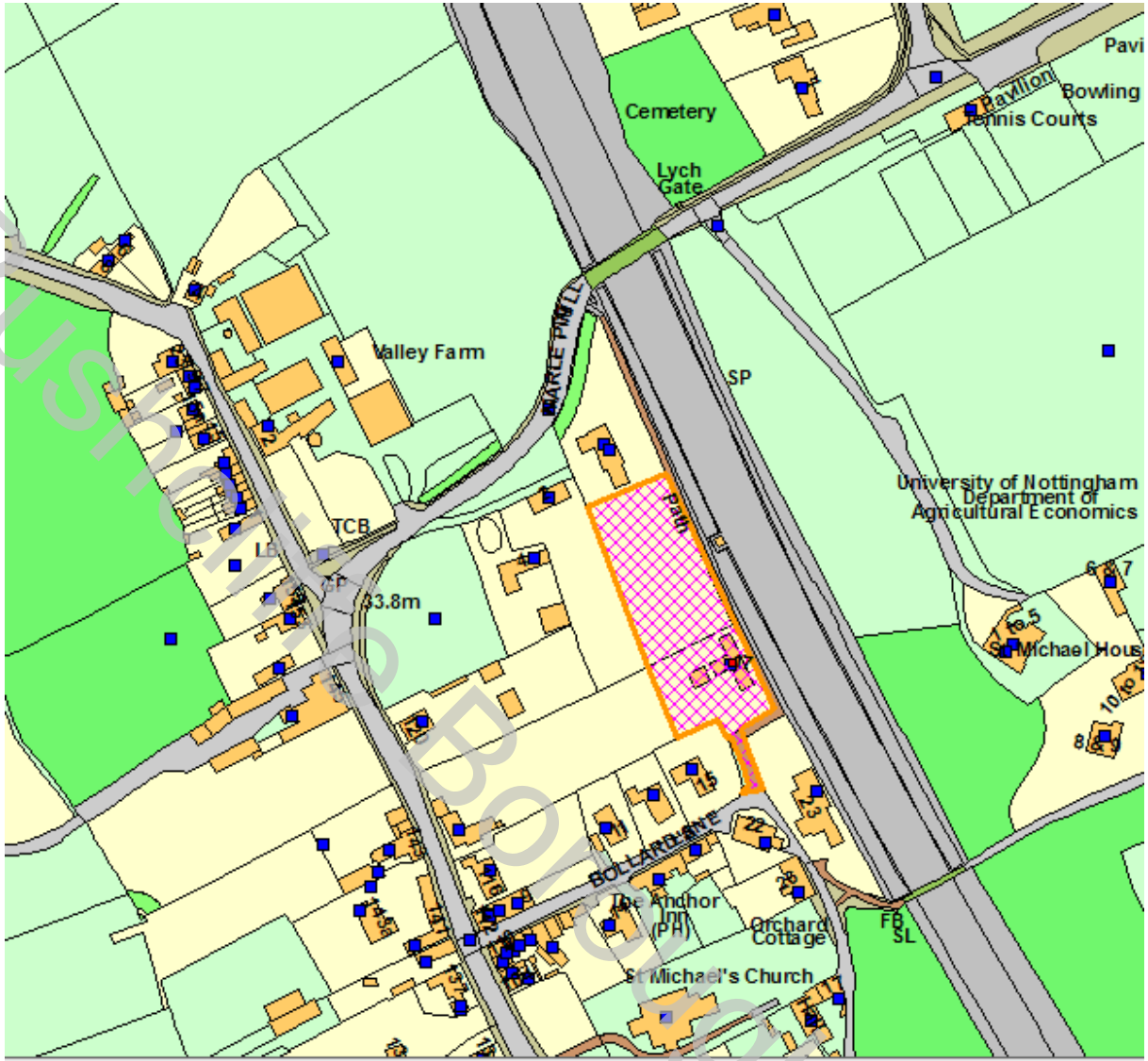
Report of the Executive Manager - Communities

PLEASE NOTE:

1. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
2. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
3. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
4. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at <http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
<u>20/00240/FUL</u>	17 Bollards Lane, Sutton Bonington, Nottinghamshire	21 - 29
	Two storey front extension, and two storey side extension over existing garage and utility, and rendering of existing dwelling. (Resubmission)	
Ward	Sutton Bonington	
Recommendation	Grant planning permission subject to conditions.	



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20/00240/FUL

Applicant Mr R Combellack

Location 17 Bollards Lane Sutton Bonington Nottinghamshire LE12 5PA

Proposal Two storey front extension, and two storey side extension over existing garage and utility, and rendering of existing dwelling. (Resubmission)

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling occupying a position set back off the corner of Bollards Lane with access via a driveway running between Nos. 15 and 23 Bollards Lane. The two storey element of the dwelling has a reversed 'L' shaped footprint. There is a long single storey front projection. Both the main dwelling and front projection are faced in render with a pantile roof. The dwelling is significantly elevated relative to the driveway, with a basement under the main dwelling and a landscaped terraced area to the front corner of the site. There is a detached brick garage to the south west side of the dwelling which is level with the basement. The site falls away to the west (side) and north (rear). The site is enclosed by mature tree screening limiting views from the highway.
2. A public footpath runs along the driveway before following the east boundary of the site, this path links between Bollards Lane and Marle Hill. There is a railway cutting immediately to the east. The site falls within the Sutton Bonington Conservation Area. The Townscape appraisal does not identify any key views across the site and the dwelling is not identified as a key unlisted building.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for a two storey front extension incorporating the existing single storey projection, and a two storey side extension over the existing garage. The two storey front extension would measure a maximum of 6.6 metres in width, projecting 16.3 metres forward of the main dwelling frontage and 7.4 metres forward of the existing single storey projection. At the front of the extension the plans show a perpendicular roof line forming a two storey gable to the east and west elevations. The west elevation of the extension would feature a first floor balcony. The extension would measure 4.5 metres to the eaves and 6.9 metres to the ridge, the side gables would measure 7.5 metres to the ridge.
4. The proposed side extension would project 8.8 metres from the side of the existing dwelling, extending over the existing garage. There would be a small front projection above the garage with a monopitch roof over. The roof would step down relative to the existing dwelling, measuring 6.9 metres to the eaves and 9.5 metres to the ridge. Due to the fall in levels, the west end gable would be three storeys in height. The extensions would be faced in off- white render to match the existing dwelling with a tiled roof to match the existing, the garage

level would be faced in brick. The existing dwelling would be faced in external insulated render to match the existing colour.

SITE HISTORY

5. Application ref: P1/89/0581/P - Erection of double garage. Granted in 1989.
6. Application ref: 19/00666/FUL - Two storey front extension, and two storey side extension over existing garage and utility, and rendering of existing dwelling. Withdrawn in 2019.

REPRESENTATIONS

Ward Councillor(s)

7. No representations received

Town/Parish Council

8. No representations received

Statutory and Other Consultees

9. Network Rail have no observations to make.
10. The Rights of Way Officer does not object, noting that the footpaths in the vicinity would not be affected by the development. Footpath no 8 is located upon the main access driveway to 17 Bollard's Lane and therefore any construction works carried out should not obstruct the public access to the right of way.
11. Nottinghamshire County Council Archaeology commented that the site has been checked against the County Historic Environment Record and they have no observations or recommendations to make.
12. The Conservation Officer commented that the site is hidden from the wider public realm although a public right of way runs through the site, along the driveway before deviating around the north-eastern boundary of the site. This allows public views of the property although mature vegetation provides screening. The roof line has been reduced and the variation in articulation improved from the previous application. Though it may be possible that the proposed extensions would be visible from Main Street, this would likely be limited to a glimpse of the upper portion of the gable at most and would not be prominent in the street scene. To the very limited extent to which the property is publicly visible, this represents harm to the established special architectural and historic character of the Sutton Bonington Conservation Area.
13. Owing to the very limited vantage point of the public right of way, this harm would be minor, and certainly at the lower end of the broad spectrum of 'less than substantial harm' detailed within the NPPF. There would, however, be a statutory presumption against granting planning permission under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as where a proposal results in any degree of harm it must also fail to "preserve" the special architectural and historic character of the Conservation Area. As such,

a test does exist within paragraph 196 of the NPPF for consideration in cases where a proposal results in less than substantial harm. In order to justify a departure from the statutory presumptions under section 72 of the 1990 Act the weight of wider public benefits will need to be significant in comparison to the harm. No clear and convincing justification for any harm have been provided as required by paragraph 194 of the NPPF.

Local Residents and the General Public

14. No comments received

PLANNING POLICY

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

16. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
17. As the site falls within a conservation area, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the following criteria under paragraph 195 can be satisfied:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use

18. Under paragraph 196, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. Further to this, the Borough Council has a duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and/or appearance of the conservation area.

Relevant Local Planning Policies and Guidance

20. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Policy 10 of the Core Strategy (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against. The proposal falls to be considered under Policy 11 (Historic Environment) of the Core Strategy
21. The proposal falls to be considered under Policy 1 (Development Requirements) of the Local Plan Part 2 whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development. As the site is within a conservation area, the proposal falls to be considered under LPP2 Policy 28 (Conserving and Enhancing Heritage Assets).
22. The Residential Design Guide advises that, *“Extensions should be designed so that they are not readily perceived as merely “add-on” to the original building and therefore scale, proportion and roof form are very important. However, as a general rule the style and design of the original dwelling should remain the dominant element with the extension subordinate to it.”*

APPRAISAL

23. The current application follows a previous application for extensions and alterations to the dwelling which was withdrawn in 2019 (planning reference 19/00666/FUL). The application was withdrawn following officer concerns that the proposed extensions, by virtue of their excessive scale, proportions and roof form would result in an unsympathetic development that would dominate and subsume the original dwelling. It was also considered that the proposal would result in harm to the character and appearance of the conservation area, for which no clear and convincing justification had been identified to outweigh this harm.
24. The current application therefore falls to be considered primarily in terms of residential amenity, design and appearance and the impact on the Conservation Area. In terms of residential amenity, the dwelling is sited within

a generous plot and the proposed extensions would be approximately 24 metres from the closest neighbour at 15 Bollards Lane. There is a dense tree boundary providing screening between the two properties. It is not therefore considered that the proposed extensions would result in an undue overbearing or overshadowing impact on the neighbouring properties. The high level of boundary tree screening would prevent the overlooking of neighbouring properties.

25. The current application proposes a 0.6 metre reduction in the height of the front (south) extension and a 0.5 metre reduction in the height of the side (west) extension compared to withdrawn application 19/00666/FUL. The front extension has been reduced in depth by 1.4 metres, with a reduction in the width of the east and west gables to match the width of the existing west-projecting section of the dwelling.
26. The previous application would have created two long unbroken ridge lines whereby both the front and side extensions would have matched the roof height of the existing dwelling. The revised application proposes a step down in the ridge height of both extensions, thereby providing some articulation and breaking up the massing of the roof. As a result, the extensions would have a degree of subservience to the original dwelling.
27. The extensions would still be substantial in scale, and the projection over the garage would effectively form a 3 storey end gable due to the changes in land levels. Although the design of the extension does not appear wholly sympathetic to the original dwelling in terms of its overall scale and features such as the balcony on the west elevation, the dwelling sits within a large plot that is capable of accommodating the proposed extensions without resulting in an over-intensive development of the site. The site is largely hidden from the public highway due to the mature boundary tree planting and its set back position from Bollards Lane, with the exception of glimpses along the driveway from Bollards Lane and glimpses of the roof line from Main Street. There is also a public footpath which runs partly along the driveway into the site, skirting around the south and east boundaries and providing some limited views into the site.
28. The proposed extensions by virtue of their scale and design would result in a small degree of harm to the character and appearance of the conservation area, however the harm arising would be at the lower end of 'less than substantial' given the limited visibility of the development from the public realm.
29. The proposal would fail to preserve or enhance the character and appearance of the conservation area as is considered to be a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and thus the proposal falls to be tested under paragraph 196 of the NPPF, whereby 'less than substantial' harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
30. The current dwelling is somewhat outdated in terms of energy efficiency and it lacks cavity wall insulation due to its solid wall construction. The proposed extensions would achieve a much greater degree of energy efficiency through substantially improved insulation. The submitted Design and Access Statement states that external rendered insulation is to be fitted to the existing

dwelling, thereby reducing energy consumption and thus carbon emissions.

31. The proposed extensions would deliver a large family home on a site that is well-equipped in terms of off-street parking provision and outdoor garden space provision, thereby helping to retain families within the village which brings benefits to the vitality of local services. The site is somewhat uniquely well equipped to accommodate a large family home as there are few dwellings within the village of a comparable plot size, and few that benefit from such limited visibility from the public realm.
32. It is therefore considered that the proposed development would deliver some public benefits that would outweigh the limited 'less than substantial' harm to the conservation area.
33. For the reasons set out above it is considered that the development accords with the national and local planning policies referred to above and accordingly the grant of planning permission is recommended.
34. The proposal was subject to pre-application discussions with the applicant/architect and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice. In addition, further amendments have been made to the scheme during the consideration of the application. Overall, these alterations have resulted in an acceptable scheme, addressing the concerns with the previous submission, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted for the following reason(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 18/37 06 (Lower Ground Floor Plan), 18/37 09 (North and South Elevations), received on 30 January 2020; Site/ Roof Plan, received on 4 February 2020; and 18/37 11A (Ground Floor Plan), 18/37 12A (First Floor Plan), and 18/37 13 (East and West Elevations), received on 30 April 2020.

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used. The proposed render facing shall match the colour of the render on the existing property.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Development Requirements) and Policy 28 (Conserving and

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable as the floor area would exceed 100sqm. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Conservation Officer on 0115 9148599 and/or the Councils Landscape Officer on 0115 914 8558.

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Rights of Way Officer- Rushcliffe, at Via East Midlands, on 0115 8043158

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Planning Committee

14 May 2020

Planning Applications

Report of the Executive Manager - Communities

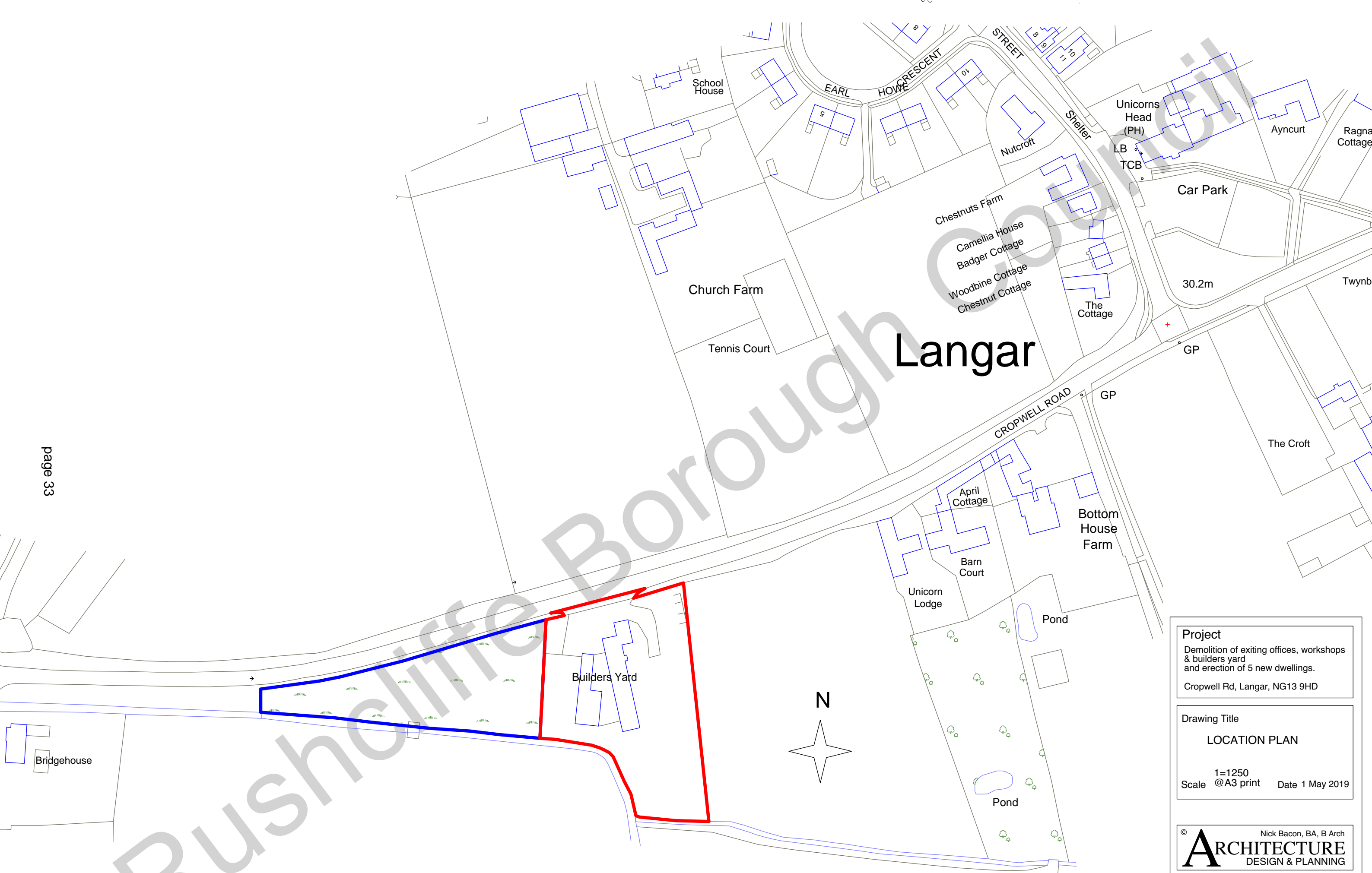
PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
19/01500/FUL	P J Fletcher And Sons Ltd, Builders Yard, Cropwell Road, Langar, Nottinghamshire Demolition of existing offices, workshop and stores and erection of 4 two storey dwellings (Amended Description)	33 - 52
Ward	Nevile and Langar	
Recommendation	The Executive Manager – Communities is authorised to grant planning permission subject to conditions.	
<hr/>		
20/00352/FUL	46 Adbolton Grove, West Bridgford, Nottinghamshire Single-storey rear extension	53 - 60
Ward	Lady Bay	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		



Langar

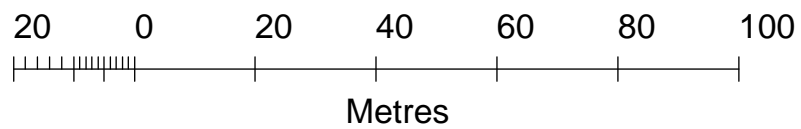
Project
 Demolition of exiting offices, workshops
 & builders yard
 and erection of 5 new dwellings.
 Cropwell Rd, Langar, NG13 9HD

Drawing Title
 LOCATION PLAN

1=1250
 Scale @A3 print Date 1 May 2019

Nick Bacon, BA, B Arch
ARCHITECTURE
 DESIGN & PLANNING

Darker Nook Farm, Colston Lane
 Harby, Leicestershire, LE14 4BE
 T: 0795 782 5052
 e: nick@kgbdesign.demon.co.uk



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19/01500/FUL

Applicant Mr & Mrs Fletcher

Location P J Fletcher And Sons Ltd, Builders Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD

Proposal Demolition of existing offices, workshops and stores and erection of 4 two storey dwellings (Amended Description).

Ward Nevile and Langar

THE SITE AND SURROUNDINGS

1. The application refers to the site of the former PJ Fletchers Building Yard, which is located in countryside to the south west of the village of Langar. The site is around 0.67 hectares in size and contains a collection of buildings, including workshops, stores and offices, with a surrounding yard area. The Building Yard has closed down and the site is no longer occupied.
2. The site is around 80 metres west of the closest houses marking the entrance to Langar, with an agricultural field lying in between.
3. The site is located within the designated Langar Conservation Area. The southern part of the site also lies within Flood Zone 2 and 3 of the Stroom Dyke.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the re-development of the site to provide 4 detached dwellings with associated parking and amenity space.
5. The original application as submitted was for a scheme of 5 detached dwellings. However, the proposals were amended during the course of the application following advice that this level of development was considered to be too intensive and would not be supported.

SITE HISTORY

6. Application ref: 96/00981/FUL - Retention of access road. Refused 6 January 1997
7. Application ref: 92/00757/T1P - Erection of workshop with ancillary offices. Approved 19 November 1992

REPRESENTATIONS

8. Consultations were carried out in relation to the original plans submitted and the revised scheme.

Ward Councillor(s)

9. The Ward Councillor for Neville and Langar (Cllr T Combellack) has objected to the proposal, due to concerns at the safety hazard presented by the development occurring at a site outside the 30mph zone. The access would be in the 60mph zone and the current pavement is on the opposite side of the road to the development. Cllr Combellack is of the opinion that the development should not go ahead unless the 30 mph sign is moved. Whilst the access may have been suitable as a builder's yard the new development would be domestic and children may have to cross the road to walk to school or the bus. Residents would have to cross the road to access amenities in the village. It is considered that this could be a real danger and unless this is addressed there is an objection to the proposal.
10. Following the provision of additional information and a Speed Survey in response to a request from the County Council Highways Officer, Cllr Combellack advised that this did not address the speeding issue although the proposed development would not be viewed unfavorably if traffic calming measures were implemented. The consultation comments from the Council's Planning Policy Officer were also noted.

Town/Parish Council

11. In response to the original plans submitted, Langar cum Barnstone Parish Council resolved to submit a response of no objection, however, they wished to point out the increased danger from speeding traffic along this particular section of Cropwell Road and would recommend the relocation of the 30mph speed limit to a point west of the Bridge House/Langar Hall junction.
12. In response to the amended plans Langar cum Barnstone Parish Council also submitted a response of no objection but reiterated the original concerns raised in relation to highway safety.

Statutory and Other Consultees

13. Nottinghamshire County Council as Highway Authority submitted comments in relation to the original plans submitted. These comments are summarised as follows:
14. In relation to the original plans submitted the Highway Authority identified a number of concerns in relation to the acceptability of the access point to the site. In terms of width it is considered suitable to serve the number of dwellings proposed. However, concerns were raised regarding the visibility out of the access. It was advised that the submitted plans indicated visibility splays which would be considered substandard for the proposed development.
15. It was advised that given the location of the site on the edge of the village, and proximity of the bend to the west, it would be possible that speeds near the proposed access are lower than 60 mph and therefore a reduced visibility criteria could be applied. In order for this to be considered acceptable it was advised that a speed survey demonstrating measured 85th percentile speeds, and the proposed reduced visibility splays plotted on a surveyed base plan which shows the actual locations of boundary features and other physical obstructions in the locale should be submitted.

16. Following the provision of a Speed Survey the following additional comments were received from the Highway Authority.
17. Further to their previous response, they advised that the speed survey provided by the applicant and revised highway access drawing which demonstrates visibility commensurate with measured 85th percentile speeds on Cropwell Road are achievable. In view of this the proposed access arrangements are considered to be acceptable and therefore approval is recommended subject to conditions to state that the access and parking areas should be completed prior to the development being brought into use.
18. In response to the consultation on the amended scheme the Highways Authority confirmed that there continued to be no objection to the scheme, subject to the previously recommended conditions.
19. The Borough Council Planning Policy Manager has made comments on the proposal. These are summarised as follows.
20. Relevant development plan policy considerations in this regard are Policy 3 of LPP1 (Spatial Strategy) and Policy 22 of LPP2 (Development within the Countryside).
21. The site is separated from the identifiable boundary of the settlement of Langar by a single greenfield site, the frontage of which is approximately 75 metres. This adjacent greenfield site is not considered to constitute a small infill plot as referred to under paragraph 6.11 of the justification text to Policy 22. It is therefore considered that the proposed site lies outside the settlement of Langar and Policy 22 would therefore apply.
22. Appropriate uses in the open countryside are set out under Policy 22 (2). Residential development for open market housing is not one of those acceptable uses. The proposal is therefore contrary to this policy. The status of the site as being previously developed has no bearing in relation to Policy 22.
23. Further to these considerations, the loss of employment use would need to be considered against Policy 15 of LPP2. Furthermore, the Council can identify, following the adoption of LPP2 (and its supporting evidence base), a five year supply of deliverable homes. Consequently, policies that would restrict housing, including Policy 22, remain extant and retain their full weight.
24. The proposal is therefore considered to be contrary to the development plan and should only be approved if material considerations exist to justify this.
25. The Borough Council Environmental Health Officer made comments on the initial plans submitted. These are summarised as follows.
26. Land Contamination - A phase 1 land contamination risk assessment has been submitted with the application. Section 11 of the report recommends remedial and verification actions that should be carried out prior to occupation of the completed dwellings, in particular, the capping of soft landscaping areas with a minimum of 600mm of clean material.

27. Air Quality - In line with national strategy and policy, it is recommended that suitable provision is made for the charging of electric vehicles within the development to prevent the development contributing to unacceptable levels of air pollution and to help to improve local environmental conditions. This is particularly relevant for this proposal as the occupiers of this development are likely to be very dependent on private means of transport to undertake their daily activities.
28. The Borough Council Conservation & Design Officer made comments on the initial plans submitted. These are summarised as follows.
29. The site is located within the Langar Conservation Area, however the existing buildings are expressly noted as ones which detract from the special architectural and historic character and appearance of the conservation area. The existing buildings are of no positive value to the character of the area and the site represents an opportunity for development to actively enhance the existing character of the conservation area.
30. Comments were provided on the layout initially proposed and the amount of parking and hard surfacing along the frontage. However, it was acknowledged that the proposed boundary hedge planting along the frontage would soften the hard surfacing for parking and given that the site in its existing use is dominated by hard surfacing, the layout as proposed would represent an enhancement beyond the existing situation.
31. The design of the properties have a more traditional rural character, far superior to the buildings currently on the site, and this would better harmonise with the special architectural and historic character and appearance of the conservation area. Conditions are recommended in respect of the facing and roofing materials and a landscaping scheme to cover details of both hard surfacing and means of planting for the means of enclosure along the site frontage.
32. It is concluded that the proposal, in both respects (the demolition of the existing and the proposed redevelopment) would actively enhance the special architectural and historic character and appearance of the conservation area achieving the higher objective described as being 'desirable' within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. There are nearby listed buildings in the form of Langar Hall (Grade II), and the parish church (Grade I) to the north, as well as the former village school (Grade II), however in all cases there are trees and tall landscaping features within intervening land to the south such that the existing and proposed development on this site has no impact upon the settings of these listed buildings insofar as their settings contribute towards their special significance or understanding of that significance thus achieving the desirable objective described in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
34. The Borough Council's Environmental Sustainability Officer has commented on the Protected Species Survey (undertaken May 2019). These are summarised as follows.

35. The survey is in date and, although it has been carried out outside the optimum survey season, surveys at this time can reveal historical use and habitats likely to support protect and priority species.
36. The site consist of buildings hardstanding, coarse grasses, perennial herbs, piles of building rubble, timber and materials and stored items and scrub (part of which was inaccessible and therefore un-surveyed), hedgerow and semi mature trees with a watercourse to one boundary. A possible Bat feeding roost was identified, however, the consultant ecologist stated no further surveys were required. The conservation status of European Protected Species should not be impacted by this development when mitigated.
37. Recommendations are made to ensure best practice working methods and the protection of the habitats and protected species possibly occupying the site and measures to improve biodiversity.
38. Nottinghamshire Wildlife Trust has commented on the Protected Species Survey (undertaken May 2019). These are summarised as follows.
39. They note that a Protected Species Survey (February 2019) has been carried out within the last 18 months and is therefore in date.
40. A possible Bat feeding roost was identified, with remains of 25-30 moth wings and a 'small number' of old bat droppings. However, the consultant ecologist does not recommend further surveys. Wild birds' nests were identified, including within buildings, but no Schedule 1 birds (e.g. barn owl) were found.
41. Additional survey effort could be employed, however, it is noted that the proposed mitigation at section 5 of the report should address potential impacts. It is requested that, if approval is granted, conditions are attached to a planning permission in relation to the implementation of the mitigation measures set out in the report.
42. The Trent Valley Internal Drainage Board advises that the Board maintained Stroom Dyke and Harby Road Feeder, open watercourses, exist in close proximity to the site. Byelaws and the Land Drainage Act would apply to the site. Information is provided in relation to the consents which may be required from the Board in relation to the development of the site.
43. The Environment Agency has reviewed the Phase 1 Land Contamination Risk Assessment (Castledine and Co, September 2018) submitted with the application. It was noted that the report identified two underground tanks on site; an infilled petrol tank and an existing diesel tank, but with no proposals to remove these tanks and remediate any contaminated ground beneath or around them. An initial objection was therefore made to the proposal. It was requested that details be submitted of proposals to remove the 2 underground tanks and provide validity sampling data, to show there is no significant residual risk.
44. In relation to flood risk it was noted that the built development of this site is shown to be situated within flood zone 1, as referenced in the submitted plan 'Proposed block plan with Highways and Flood Zones' dated 1st May 2019. Therefore, the Environment Agency has no comments to make on the application from a flood risk perspective.

45. The Environment Agency made a subsequent response following review of new information submitted in the form of an Addendum to the Phase 1 Land Contamination Risk Assessment (Castledine and Co. 6th August 2019). It is advised that the Agency is satisfied with the proposal and the objection to the planning application was removed. A condition is recommended in respect of the submission of a verification report demonstrating that the remediation works have been carried out is submitted.
46. Historic England states that on the basis of the information provided it does not wish to make any comments on the application.

Local Residents and the General Public

47. The application has been advertised by notices at the site. There are no direct neighbouring properties to notify. No public representations have been received in response to either the original or amended plans.

PLANNING POLICY

Relevant National Planning Policies and Guidance

48. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The following sections of the NPPF are relevant to this application:

Section 5 - Delivering a sufficient supply of homes.

Section 9 - Promoting Sustainable Transport.

Section 12 - Achieving well-designed places.

Section 15 - Conserving and Enhancing the Natural Environment.

Section 16 - Conserving and Enhancing the Historic Environment.

49. The Council also has duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the surrounding Conservation Area.

Relevant Local Planning Policies and Guidance

50. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Also of relevance are any relevant Supplementary Planning Documents. Within these documents the following policies are considered relevant to this application.

51. Rushcliffe Local Plan Part 1: Core Strategy:

Policy 1 – Presumption in Favour of Sustainable Development.

Policy 3 – Spatial Strategy.

Policy 8 - Housing Size, Mix and Choice.

Policy 10 - Design and Enhancing Local Identity.

Policy 11 - Historic Environment.

Policy 17 – Biodiversity.

52. Rushcliffe Local Plan Part 2 : Land and Planning Policies (2019):

Policy 1 - Development Requirements.

Policy 12 - Housing Standards.

Policy 15 - Employment Development.

Policy 18 - Surface Water Management.

Policy 22 - Development within the Countryside.

Policy 28 - Conserving and Enhancing Heritage Assets.

Policy 37 - Trees and Woodlands.

Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network.

Policy 40 - Pollution and Land Contamination.

53. The Rushcliffe Residential Design Guide SPD (2009) provides general guidance on the layout, form and design of development.

APPRAISAL

54. The main considerations in determining this application are as follows:

- a. Principle of development
- b. Design and Appearance of the Proposed Scheme and the impact on the Langar Conservation Area.
- c. Residential amenity of future properties.
- d. Highways Matters
- e. Other Matters – Ecology, Environmental Health, Drainage

Principle of Development

55. The application site is a redundant builders yard. The existing buildings on the site consist of two elongated workshop and store buildings, which have been extended in various sections over time. They are a mixture of brick, timber and metal framed buildings clad in a variety of materials. The roofs are covered in either fibre cement panels or corrugated metal sheeting. Located at the front of the site and attached to the front of the workshop is also an office building which is constructed from brick with a flat roof. All the buildings are in a poor state of repair.
56. Whilst the site lies close to the village of Langar it is not located within the settlement itself. As confirmed by the Council's Planning Policy Officer, the site is deemed to be located within open countryside. Policy 22 of the Local Plan Part 2 sets out acceptable development within the countryside. In accordance with this policy, whilst the re-use and adaptation of existing buildings for residential use can potentially be supported, the wholesale demolition of existing buildings and re-development of a site for new open market residential housing is not supported under this policy.
57. The existing buildings on the site are dilapidated and have no architectural merit. Whilst under policy 22 their conversion and re-use could be supported, it is considered in this case that a far superior development could be achieved by removing these dilapidated buildings from the site and building new residential properties which are in keeping with the rural character of the area.

It is considered that potentially significant benefits could be gained in terms of the visual amenity of the area.

58. Furthermore, the Langar Conservation Area extends out for some distance around the actual village and incorporates the application site. As highlighted by the Conservation Officer, the application site is noted within the Townscape Appraisal as having a negative impact. It is considered that a well-designed residential scheme would have the potential to considerably enhance the appearance of the Conservation Area and surrounding countryside. As discussed further below, it is considered that the proposed scheme achieves this aim. This is considered to be a material consideration, which should be given significant weight, providing justification for the proposed development, which would otherwise be deemed contrary to policy 22.
59. Notwithstanding this, policy 15 of the Local Plan Part 2 concerns the re-development of existing employment sites and this also needs to be taken into account. This policy states that planning permission should not be granted unless it can be demonstrated that there is no demand for the site or premises for its specified employment use and that the site is not viable for re-occupation.
60. In response to this policy, a letter from TDB Real Estates has been provided in support of the application. It confirms that the site and existing buildings have been surveyed and it is considered that substantial refurbishment would be required to comply with current Energy Efficiency Standards set out by the Government and provide a site which would suit most modern occupiers. It is considered that the business case for refurbishment is likely to be unviable as the level of rental income received would be unlikely to justify the capital expenditure required to get the buildings and site to a tenantable condition.
61. The report advises that there would be limited demand for B1 uses in the application site location and redevelopment for B2 or B8 use could potentially conflict with nearby residential properties and the village. Modern occupier requirements for B2 or B8 uses are also for far higher buildings, with clearance heights of 6 to 7 metres, and therefore extensions would be required which would have a more significant visual impact. It is generally concluded that the existing buildings have reached the end of their useful economic life and that redevelopment of the site is the only viable option.
62. Paragraph 4.7 of the supporting text to policy 15 states that the Council will consider releasing existing employment sites for non-employment uses only where they are no longer in demand. This will require evidence that they have been marketed for their intended employment purpose without success for a sufficient period of at least 12 months (although this may be varied on a case by case basis); and a financial appraisal to provide evidence that the premises are not economically viable for reoccupation or refurbishment for employment uses.
63. In respect of this it is acknowledged that the site has not been actively marketed for a period of 12 months. However, the letter report from TDB Real Estates argues that this would be likely to be a futile exercise, based on the issues identified with the site and their knowledge of the current market. No financial appraisal of the works required to refurbish the site have been provided, however, given the current dilapidated state of the buildings it would

appear reasonable to assume that the costs would be significant and that a commercial tenant would be difficult to obtain. It is therefore concluded, on balance, that the requirements of policy 15 have been satisfied to an acceptable extent.

64. A field of around 80 metres in width separates the application site from the edge of the village and the closest neighbouring properties. Granting permission for the re-development of the application site could be considered to result in this field becoming an infill site, potentially capable of further development under Core Strategy policy 3. However, it is important to stress that this policy only applies to 'small scale' infill sites and 'small gaps' within the existing built fabric of a village. A site of this size and location would not be considered to comply with this criteria.
65. Further residential development of the land between the application site and the existing edge of the settlement of Langar would therefore be deemed contrary to policy 22 and, without any compensatory benefits to visual amenity as is the case with this proposal, an application would be unlikely to be supported.
66. It is therefore concluded that, although not in strict accordance with policy 22 of the Local Plan Part 2, there are other significant material considerations and strong justification for the re-development of the application site. The proposed scheme would strongly accord with other aspects of policy and would be consistent with policy aims to make a positive contribution of the sense of place and also preserve and enhance the character and appearance of the Conservation Area. The site in its current form detracts from the visual amenity of the area. It would seem likely that the site would continue to deteriorate and that this impact would be exacerbated if alternative uses for the site are not found. It is therefore concluded that there is adequate justification to support the principle of development in this case.

Design and Appearance of the Proposed Scheme and the impact on the Langar Conservation Area.

67. It is proposed to remove the existing buildings from the site and redevelop the land to provide four no. 4 bedroom, two storey detached dwellings. All properties would face Cropwell Road, with plots 2 and 3 lying broadly to the rear of plot 1. The layout of the site has been significantly influenced by the need to keep all the built development within the Flood Zone 1 area and out of the areas of greater flood risk which lie to the south of the site. The number of houses was reduced from five to four during the course of the application in order to provide a more spacious development and it is now considered that the site can comfortably accommodate the proposed number of dwellings.
68. The footprint of each dwelling would be approximately 135 square metres and all would be two storey with small single storey elements off the side elevation. The dwellings on plots 1, 2 and 4 would all be identical in design. The only difference in plot 3 would be that the single storey element would be located off the eastern elevation, whereas on the other 3 plots it would be located off the western side elevation. In addition, plot 1 would also have a detached, double garage located close to the front boundary, in the north eastern corner of the site.

69. The proposed dwellings are fairly conventional in design. They would have intersecting two storey gables on both the front and rear elevations, single storey side projections and Oak framed porches. The plans indicate that the dwellings would be constructed from brick with clay pantiled roofs. Precise details of the materials would be requested for approval through a condition attached to any permission.
70. There is no built development immediately adjacent to the site but the scale, design and materials of the proposed dwellings are generally considered to be sympathetic to the local area, the Conservation Area Appraisal noting that the traditional materials of the area are orange/red brick, some buildings with decorative string courses and roofs dominated by orange pantiles. The Appraisal also notes that the application site lies within a special character area of farm houses and agricultural buildings set among small fields and paddocks. The design of the proposed dwellings is considered to be consistent with this character.
71. The new dwellings would all be set within good sized plots with rear garden areas which are well in excess of the 110 square metres recommended under the Residential Design Guide SPD. The plans also indicate the provision of three car parking spaces for each property.
72. The Conservation Area Appraisal also notes the frequent use of hedgerows, tree lines and grass verges as boundary treatments within this part of the Conservation Area. The hedgerows opposite and to the east of the application site are noted as important hedgerows within the Townscape Appraisal. The front boundary of the application site is also noted to contain some significant trees. A condition is recommended requiring a full landscaping scheme for the site for prior approval, however, it is noted that the site plan indicates a new native species hedge along the front and side boundaries of the site, with the existing hedge being retained along the rear, southern boundary and part of the front boundary. This boundary treatment should maintain the rural character of the area. A number of trees are also indicated on the proposed site plan, including on the front boundary.
73. The dwelling on Plot 1 would lie closest to Cropwell Road. It would be set back around 10 metres. The gable end of the pitched roof garage associated with this property would lie closer to the road, however, this is consistent with the buildings to the east which lie tight to the roadside. The Conservation Officer originally raised concerns in relation to the degree of hardstanding to the frontage of the site. However, the boundary hedgerow and landscaping should significantly soften the appearance of the development. Generally, it is considered that the resultant development would be far more visually appealing than the existing site.
74. The Council has duties under section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability to preserve or enhance the surrounding Conservation Area. It is considered that the re-development of the site would serve to enhance the Langar Conservation Area, a goal considered to achieve the desirable objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of the 1990 Act. The proposal is also considered to accord with the aims of policies 10 and 11 of the Core Strategy and policies 1 and 18 of the

Local Plan Part 2 Land and Planning Policies document and should make a positive contribution to the public realm and sense of place and the character and appearance of the Langar Conservation Area

Residential Amenity of Future Occupiers.

75. Policy 1 of the Local Plan Part 2: Land and Planning Policies document states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties. In this case there are no existing neighbouring properties to the site and therefore only the amenity levels between the new dwellings needs to be taken into account.
76. In general, the properties are all within good sized plots with south facing rear gardens. The orientation and window arrangement of the dwellings means that there should be no undue overlooking between the properties above that which would be reasonably acceptable.
77. There would be a distance of at least 20 metres between the rear elevation of plot 1 and the front elevations of plots 2 and 3. The rear garden boundary of plot1 would lie closer but there would be boundary treatment and landscaping to screen this and given the size of the rear garden there should be access to plenty of areas of private amenity space.
78. It is considered that the overall scheme would provide a good standard of amenity for future occupiers. The proposal is therefore deemed to accord with Core Strategy policy 10 and policy 1 of the Land and Planning Policies document in terms of residential amenity of future occupiers.

Highways Matters

79. It is proposed to use the existing access to the site for the development. It is noted that the road at this point is subject to the national 60 mph speed limit. The County Highways Officer initially raised concerns in relation to the visibility from the access and advised that it was substandard for a road of this speed limit. However, during the course of the application, a Speed Survey and revised access plan was provided which demonstrates that visibility commensurate with measured 85th percentile speeds on Cropwell Road are achievable. The Highways objection was subsequently withdrawn. Conditions are recommended in relation to the construction of the accesses, driveways and parking areas prior to occupation of the dwellings.
80. It is noted that concerns have been raised by the Ward Councillor in relation to the safety of the access for residential development onto a 60 mph road and the possible dangers to pedestrians or children walking to school. There is a paved footpath into the village, however, this is on the opposite side of the road to the application site. It is acknowledged that it is not ideal, however, in isolation, and weighing up the other benefits of the scheme and the generally good visibility of the access, it is not considered that this alone would justify a reason for refusal of the scheme, particularly given the lack of any objection from the Highway Authority.
81. The plans indicate that for each dwelling at least 3 parking spaces are to be provided. This level of parking provision would be considered acceptable for

the scheme. A condition is also recommended requiring the installation of an electric vehicle charging point for each dwelling.

82. The proposal is therefore considered to be acceptable in terms of the highways impacts and in accordance with policy 1 of the Local Plan Part 2 Land and Planning policies document.

Other Matters – Ecology, Environmental Health and Drainage/Flood Risk Matters

Ecology Matters

83. A Protected Species Survey carried out by Andrew Chick, Ecological Consultant, has been submitted with the application. The buildings contained evidence of new and old bird nests and one of the buildings contained evidence of bat droppings, however, on a closer inspection no roosts were found and it was generally determined that, due to the construction of the building, it would have low roosting potential. No further survey work was recommended. In addition, no presence was found of any other protected species on the site and it was considered that the proposed development would not affect the nearby watercourse. Overall the site was deemed to be of low ecological value.
84. Reasonable Avoidance Measures and a Method Statement for working on site are provided within the report (Section 5.8), to minimise the impacts of the development on wildlife and the ecology of the area. A condition is recommended to require that these measures should be fully adhered to during construction.
85. In accordance with policy 38 of the Local Plan Part 2, all new development is expected to achieve net gains in biodiversity. The Survey report advises that this would best be gained through the provision of an 'ecological landscape management plan', which would recommend habitat creation on site to compensate for the works and to enhance the site for nature conservation and wildlife. It is considered important that ecological 'corridors' are maintained along the site boundaries and suggested that habitat creation could include the planting of native species-rich hedgerows along the northern and eastern boundaries and the planting of native trees within the proposed development. These measures are indicated on the proposed site plan and a condition is proposed for a full landscaping scheme to be submitted for prior approval.
86. In addition, the report suggests that biodiversity could be enhanced through the provision of new bat habitat, either through the erection of bat boxes around the site or the incorporation of features such as bat bricks within the new dwellings. It was also noted that the buildings are actively used by breeding Sparrows and to mitigate for their loss of habitat a minimum of 4 Sparrow boxes should be provided within the site. Conditions are recommended to set out how this compensatory habitat would be achieved.
87. The proposed development is therefore deemed to comply with policy 38. It is reasonably considered that the proposal would not result in any harm to protected species or habitats and has the potential to achieve net gains in biodiversity.

Environmental Health Matters

88. A Phase 1 Land Contamination Risk Assessment by Castledine & Co Environmental Consultants has been submitted with the application. This was assessed by both the Environment Agency and the Council's Environmental Health Officer, with both parties recommending that a condition is added to the permission to state that a detailed land remediation scheme should be submitted to the Council for prior approval prior to the commencement of development. The Agent has agreed to this pre-commencement condition.
89. The submission of a construction management plan for approval prior to the commencement of development has also been requested. However, given that there is some distance to the closest neighbouring properties and plenty of space is available within the site for construction vehicles and the storage of materials, it is not considered that such a condition is reasonably required.
90. A condition to provide charging points on each dwelling for electric vehicles is added to the permission, along with a condition to state that the dwellings should be built to the higher optional technical standard for water consumption, in order to comply with Local Plan part 2 policies to reduce carbon and promote water efficiency.

Drainage / Flood Risk Matters

91. The southern part of the application site lies within Flood Zones 2 and 3. This would include the rear garden areas of the dwellings on plots 2, 3 and 4. The actual properties would, however, be built within Flood Zone 1 and therefore the proposed development is not required to be subject to Sequential or Exception tests.
92. It is considered, however, that surface water drainage is an important consideration given the proximity of the higher flood zone areas. The application indicates that Soakaways would be used, which is a preferred sustainable urban drainage system for the management of surface water drainage and supported under Local Plan Part 2 policy 18. However, a condition is considered necessary in this case to ensure that infiltration testing is carried out and the land is satisfactory for soakaways. In the event that soakaways are not deemed appropriate for use, the condition would state that details of an alternative method of surface water drainage should be submitted for approval, in order to ensure that there would be no increased risk of drainage and flooding issues.
93. It would also be expected that new hard surfaced driveways and parking areas would be surfaced in a permeable material, details of which would be clarified under conditions relating to the landscaping of the site and construction of the access and driveways to the properties.

Community Infrastructure Levy

94. The application involves a type of development which would be liable to make payments under the Community Infrastructure Levy, the amount attracted by the development has yet to be calculated.

Conclusion

95. The application site is located within open countryside and its redevelopment to provide open market residential housing would not ordinarily be supported under current planning policy. However, the site has not operated as a Builder's Yard for some time and is currently vacant, with the buildings falling into disrepair and the site generally having an increasingly negative impact on the surrounding area and the character and appearance of the Langar Conservation Area. It is considered that the redevelopment of the site would enhance the character and appearance of the Conservation Area, an objective described as desirable in Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990 and that this factor should be given significant weight. It is therefore concluded that an exception to policy should be made and the redevelopment of the site for residential use permitted. The amended, proposed scheme for 4 new residential dwellings is now deemed to be appropriate in scale, layout and design and should provide a good standard of amenity for future occupiers. The application is therefore recommended for approval.
96. Negotiations have taken place during the consideration of the application to address concerns, and amendments have been made to the proposal to address the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is **RECOMMENDED** that the Executive Manager – Communities is authorised to grant planning permission subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, dated 1 May 2019
Proposed Block Plan with Highways, dated 12 February 2019
Plots 1, 2 & 4 Floor Plans and Elevations, dated 12 February 2020
Plots 3 Floor Plans and Elevations, dated 12 February 2020
Garage to Plot 1, dated 12 February 2020

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

3. Prior to the commencement of development, a detailed land remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme

must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- a) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.
- c) All work must be carried out in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

[To make sure that the site, when developed, is free from contamination, in the interests of public health and safety and to comply with policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved method installed prior to the occupation of the development.

[To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy 18, Surface Water Management of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No construction of the external walls of the development shall commence or roof covering added until specific details of the facing and roofing materials to be used on all external elevations are submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

6. No occupation of the dwellings hereby approved shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees, hedgerows and shrubs, details of proposed walls, fences and other boundary treatment, surface treatment of the open parts of the site, and a programme of implementation.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

[To ensure the provision of an appropriate landscape setting to the development in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. The development hereby approved shall be carried out in full accordance with the Reasonable Avoidance Measures described in section 5.8 of the Protected Species Survey at Fletcher's Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD by Andrew P Chick, dated February 2019.

[To avoid harm to wildlife, including protected species and nesting birds, in accordance with policy 1 (Development Requirements) and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

8. Prior to occupation of the dwellings hereby approved details of a scheme for the provision of compensatory habitat for bats and nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be erected on the site and retained for the lifetime of the development.

[To achieve a net gain in biodiversity, in accordance with policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Occupation of the proposed dwellings shall not take place until details of the surfacing materials for the accesses, driveways and parking areas as indicated on the approved plan, Proposed Block Plan with Highways, dated 12 February 2019, have been submitted and approved in writing by the Local Planning Authority. The access should be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The approved details shall be installed prior to occupation of the dwellings hereby approved and shall be retained for the life of the development.

[To prevent deleterious material / surface water from being discharged onto the public highway, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

10. Occupation of the proposed dwellings shall not take place until the visibility splays set out in the approved plan, Proposed Block Plan with Highways, dated 12 February 2019 are provided. The visibility splays shall thereafter be retained for the life of the development.

[To ensure that drivers have an appropriate level of visibility when exiting the site, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

11. Any gates to be erected at the access point shall open inward only and be set-back no less than 5.0 metres from the highway boundary.

[To ensure that drivers can station their vehicles clear of the public highway whilst the gates are opened/closed, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

12. An Electric Vehicle Charging Point shall be provided for each dwelling hereby approved and installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

13. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

The proposal makes it necessary to undertake works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services on telephone 0300 500 80 80 to arrange for these works to be carried out.

Condition 13 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

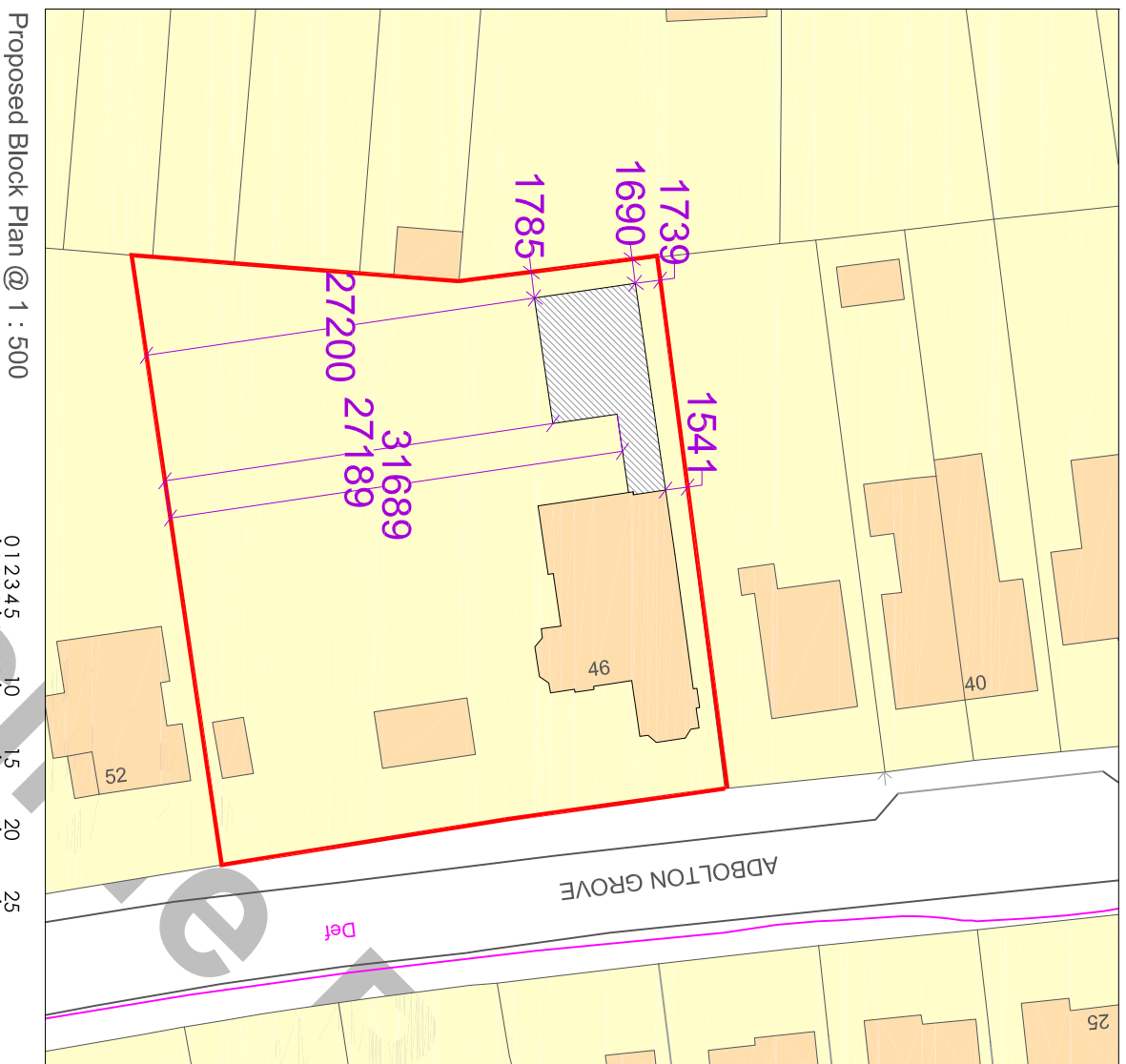
Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

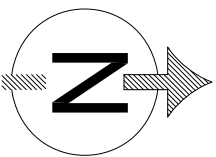
This drawing is copyright and may not be copied or reproduced without the written consent of Finola Brady Architectural Services.
 The contractor is responsible for setting out and must check all levels and dimensions prior to work being put in hand.

This drawing should not be scaled. Only written dimensions are to be taken in respect of this project.

The designer is to be immediately notified of any suspect omissions or discrepancies.



Proposed Block Plan @ 1 : 500




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 Proposed Location Plan @ 1 : 1250



Rev. A 27.02.10 Client amendments to scheme

FB

	
Finola Brady Architectural Services TEL 07960 235756 www.fbarchitectural.co.uk	
Site Location :	46 Adbolton Grove, Lady Bay, Nottingham, NG2 5AR
Project Name :	New Rear and Side Extensions
Drawing Name :	Proposed Location Plan & Block Plan for Planning Submission
Drawing No:	FB19-1107 PL01-A Scales : 1 : 500 , 1 : 1250 @ A3
Date :	7th January 2020

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20/00352/FUL

Applicant Mr & Mrs Holmes

Location 46 Adbolton Grove West Bridgford Nottinghamshire NG2 5AR

Proposal Single-storey rear extension

Ward Lady Bay

THE SITE AND SURROUNDINGS

1. The application relates to a detached two storey dwelling. The existing dwelling has red brick walls at ground floor level with painted render above, and red roof tiles. There is an existing contemporary two storey extension at the rear. The garden area is mainly lawn. The site has an existing vehicle access and driveway located to the south of the site adjacent to the shared boundary with no.52 Adbolton Grove.
2. The neighbouring properties are primarily residential. The area includes a mix of late 19th and early 20th century houses and has an urban character. The properties are predominantly two storeys in height. There are varying plot sizes within the area but the application site is significantly larger than the average.
3. The application site falls within flood zones 2 and 3 as defined by the Environment Agency.

DETAILS OF THE PROPOSAL

4. The proposed extension would project 14.5m from the rear of the existing dwelling. It would be sited at least 1.54m from the shared boundary with no. 44 to the north and a minimum of 7.5m from the rear elevation of no.44.
5. The extension would have an eaves height of 2.2m nearest the shared boundary with no. 44 and would be 2.2m wide where it adjoins the host property, widening to around 7 metres at the rear. The section of the extension closest to the boundary with no. 44 (2.2 metres wide) would have a mono-pitch roof reaching a height of 3.1m, this highest point being 3.7m away from the shared boundary. The extension would then project into the garden of no. 46 for a further 4.7m with a flat roof height of 3.4m
6. The proposed extension would utilise both traditional and modern materials with the side elevation facing no. 44 being traditional red brick and the front elevation facing the garden of no. 46 being weathered steel cladding. The mono-pitch roof would be seamed zinc.

SITE HISTORY

7. Application ref: 14/01300/HYBRID - Hybrid application for full planning permission for two storey rear extension; detached garage and new vehicular access to 46 Adbolton Grove and outline planning permission with all matters

reserved except access for erection of new detached dwelling – approved August 2014. The two storey rear extension has been constructed. No reserved matters have been submitted for the erection of a new dwelling.

REPRESENTATIONS

Ward Councillor(s)

8. Councillor R Mallender objects to the proposal on the following grounds:
 - a. Loss of amenity to the neighbours at number 44 Adbolton Grove.
 - b. The development is overbearing, out of keeping with the area and represents an over development of the site.

Local Residents and the General Public

9. The neighbour at no. 44 objects to the proposal:
 - a. The proposed development would affect the surrounding area by nature of its design, appearance and scale.
 - b. The proposed development would cause a severe loss of amenity to neighbouring property by nature of its massing, scale, proportion and height.
 - c. The proposed development is totally out of character with the area by virtue of its scale. There are no other constructions that run the whole length of the gardens of the properties in the area. It would effectively break a natural 'building line' in the rear gardens of the properties on Adbolton Grove.
 - d. The proposed development would be overbearing and out of scale with the area.
 - e. Occupants of neighbouring property believe the proposed development would create a situation of 'excessive development' on the site.
 - f. The proposed development would close up an open area that is enjoyed by all the neighbouring properties.
 - g. By proposing to develop the extension in line with the original Edwardian style property this seems to ignore the very contemporary double storey extension already developed.
 - h. The proposed development would overshadow garden of No. 44 and cause a large loss of light.
 - i. The proposed development exceeds a 45° splay line from windows at No. 44.
 - j. Residents have lived at 44 Adbolton Grove for over 21 years so believe that under the 1832 Prescription Act have a 'right to light'.

PLANNING POLICY

Relevant National Planning Policies and Guidance

10. The National Planning Policy Framework (2019) carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Relevant Local Planning Policies and Guidance

11. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy and Local Plan Part 2 – Land and Planning Policies. Other material planning considerations include Government guidance in the National Planning Policy Framework and Planning Practice Guide.
12. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
13. The Core Strategy Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and of particular relevance to this application are 2(b) whereby the proposal shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
14. Local Plan Part 2 Policy 1 (Development Requirements) states that permission for new development will be granted provided that, where relevant, certain criteria apply. These include that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.

APPRAISAL

15. The existing boundary between no. 44 and no. 46 consists of a 1.9m high close boarded fence with mature shrub and hedge planting also to a height of 1.9m. This would provide ample screening from the proposed extension.
16. 44 Adbolton Grove lies to the north of the application site and there may be some degree over-shadowing into the end of the garden of no.44 during the morning. However, due to the offset of the extension from the boundary and

the design and low eaves height of the extension, there is unlikely to be any additional harmful over shadowing, over and above that already created by the substantial boundary treatments. Any over-shadowing would be minimal and unlikely to be detrimental to the amenities of no.44 during the afternoons and evenings.

17. It is acknowledged that the proposed extension would encroach the 45° angle when measured from the kitchen window on the rear of no.44. However, the 45° rule is a guide and each site must be assessed on its merits. Furthermore, the Residential Design Guide indicates that the application of this assessment should be applied in respect of 2 storey extensions or higher or if there are significant changes in level. In this case the proposal involves a single storey extension and there is ample separation distance between the extension and the windows on the rear of no.44 which would minimise any over-bearing or overshadowing impact.
18. If there is any degree of over-shadowing or over-bearing impact occurs from no. 46 to no. 44, it would likely be from the previous two storey extension. It is noted that, when assessing this application, the case officer did not consider that the amount of overshadowing would be unacceptable. Given the low height of the proposed extension in relation to the boundary it is not considered that the current proposal would lead to additional over-bearing or overshadowing that would create unacceptable living conditions at no. 44.
19. There are no windows proposed in the extension that would create undue over-looking towards no. 44 or any other nearby dwelling.
20. The nearest dwelling to the south is no. 52 Adbolton Grove. This dwelling would be at least 27m away from the extension and there would be no impact on its residential amenities in terms of over-looking, over-shadowing or over-bearing.
21. The proposed extension is contemporary in design and materials, complementing the existing contemporary extension that it would project from, maintaining the contrasting form of the dwelling between traditional and modern. The Lady Bay area where the application site is located, is home to an eclectic mix of house designs, traditional and modern and a mix of old and contemporary. The proposed extension maintains the mixed character and appearances of the neighbouring buildings and the surrounding area.
22. The proposed extension would not be visible from the public realm and would have no impact on the street scene.
23. In relation to views across the site from neighbouring dwellings, as the site is not a conservation area, nor are the buildings Listed, there is no specific requirement to preserve views into and out of the site. Building lines are generally considered from the roadside, not from the rear, as rear extensions are a common feature in houses and are often allowed under permitted development, thus making it impossible to maintain a rear building line.
24. The site has outline planning permission for one dwelling within its southern half splitting the site in two. Even if the southern half of the site were developed the proposed extension retains a very large garden. Therefore, it is not considered that the proposal represents overdevelopment of the site.

25. The concerns and objections of both Councillor Mallendar and the neighbour at no. 44 have been carefully considered. However, the low eaves height of the proposed extension and the distance from the boundary would both help mitigate any over-bearing impact and it is not considered that the extension would result in an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
26. The property is within Flood Zone 3, but benefitting from flood defences, and so requires the Standing Advice on mitigating flood risk in construction to be followed. The application includes details of adequate flood mitigation measures that would be incorporated within the development.
27. Concerns have been raised by a neighbor in respect of Right to Light. The impacts of the development upon the reasonable amenities of neighbouring properties has been evaluated above and found to be compliant with the Council's adopted policies. Right to Light legislation is a civil matter and the grant of planning permission would not interfere with this right. However, the Council are not required to assess whether the neighbour has a claim for Right to Light as part of the planning application process.
28. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/agent or the need to request any amendments. Consequently, there was no delay in the decision of the application.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): FB 19-1107 PL03-A proposed elevations; PL03 proposed floor plans; PL01-A block plan

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].
3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.


[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

4. Flood mitigation measures shall be incorporated into the extension hereby approved in accordance with details set out in the submitted Flood Mitigation Statement dated 4 May 2020.

[To ensure protection against flooding and to comply with policy 17 (Managing Flood Risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore necessary to incorporate into the build the mitigation measures detailed in the submitted Flood Mitigation Statement dated 4 May 2020. If in doubt about the measures that need to be incorporated into the extension it is recommended to discuss these requirements with the Environment Agency.

 <p>Rushcliffe Borough Council</p>	<p>Planning Committee</p> <p>14 May 2020</p> <p>Tree Preservation Orders</p>
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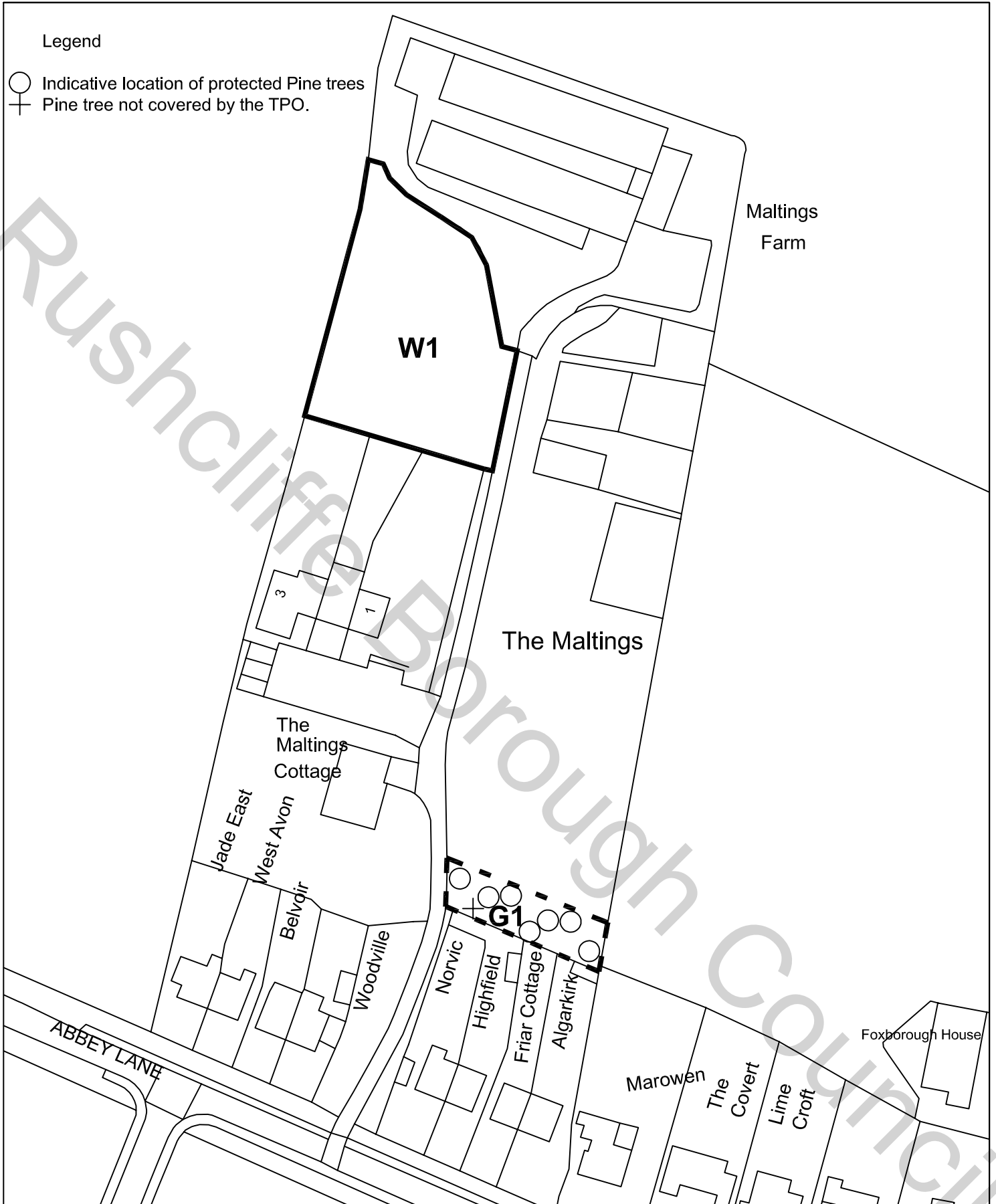
Report of the Executive Manager - Communities

TPO	Address	Page
19/00246/TORDER	The Maltings, Abbey Lane Aslockton, Nottinghamshire	63 - 68
	Aslockton No.1 Tree Preservation Order 2019	
Ward	Cranmer	
Recommendation	Tree Preservation Order 2019 be confirmed with the modifications shown on the schedule and plan.	
<hr/>		
19/00260/TORDER	Land South of Landmere Lane, Edwalton, Nottinghamshire	69 - 73
	Edwalton No. 1 Tree Preservation Order 2019	
Ward	Edwalton	
Recommendation	Tree Preservation Order 2019 be confirmed without modification.	
<hr/>		

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Legend

- Indicative location of protected Pine trees
- ⊕ Pine tree not covered by the TPO.



 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project Aslockton No.1 Tree Preservation Order 2019	Date Nov 2019	Project officer T Pettit	
		Drawing title Land at The Maltings	Scale 1:1000	Drawn TP	Checked
			Reference 665.32	Rev. A	

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19/00246/TORDER

Location The Maltings, Abbey Lane, Aslockton

Proposal Aslockton No.1 Tree Preservation Order 2019

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The Maltings is an area of land set behind properties on the north side of Abbey Lane at the western edge of the village. The area of land is separated by a track running north to what appears to be a disused barn. To the east of the track is a paddock of rough grass that has 2 outline planning permissions for up to 6 and up to 10 dwellings, reference 18/01569/OUT and 17/02582/OUT. On the southern edge of this paddock is a small group of Pines with some deciduous trees. To the west of the track is an area of woodland.

DETAILS OF THE TREE PRESERVATION ORDER

2. The Tree Preservation Order (TPO) protects the group of trees on the land to the east of the track, and specifies 8 Pine, 10 Oak and 1 Southern Beech. It also protects all deciduous trees in the woodland to the west of the track. The TPO was made following a request from a member of the public who was particularly concerned about the woodland but as this is located within the same land ownership as the group of trees, officers considered it prudent to protect both at the same time.
3. The TPO was made on the 10th December 2019. Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made.

Representations

4. Making a TPO allows all interested parties to object or make other written representations. The Council has received one objection to the TPO and 1 representation. The representation comes from the owner of 1 The Maltings, who doesn't object to the Order, but wanted to clarify that they may have a legal interest in part of the woodland, this doesn't affect the TPO and won't be considered further in this report.
5. The objection to the Order comes from Grace Machin Planning and Property who make the following points.
 - Using the 'TEMPO' methodology it would not be defensible to protect the group of trees and it is not expedient to protect the woodland.
 - The trees are not at threat from any development proposals as the owner intends to retain them for landscaping around the site.
 - The woodland TPO will hinder suitable good management of the woodland which is vital to maintain structure and longevity.

- The TPO schedule contains errors in the description of G1. It describes 10 Oak trees within the group, yet only 1 small oak tree (<5m tall) was within the group.
- The appropriate way to protect these trees would be through conditions imposed on any full planning permission granted, for example including conditions relating to landscaping (retention of trees) and arboricultural method statement (tree protection measures).
- Confirmation of this TPO is therefore unnecessary and unreasonable on the owner.

APPRAISAL

6. Rushcliffe doesn't use 'TEMPO' but uses its own points-based assessment that uses a similar process and allows for consistent evaluation. A comparison of the 2 assessments is shown below. The TEMPO assessment shows that the group of trees falls one short of the score which would make it defensible, the woodland part of the TPO is defensible, but the objection argues it is not expedient to make the Order, this is considered further below. The Council's assessment shows that both the group and woodland justify a TPO. Such points-based assessments are always objective, but in this case, both show that the woodland is slightly more important due to it being visible from the road leading into the village, whereas only the western part of the group is visible from Abbey Lane and the adjacent properties. Government advice on TPO's is that the future amenity value of the trees can also be taken account and in this case, it is considered that since 6 to 10 properties are likely to be constructed in the future, the amenity value of both the woodland and group will increase.

TPO Reference	TEMPO assessment in objection. 1-6 TPO indefensible 7-11 Does not merit TPO 12-15 TPO defensible	RBC Assessment A score of 11 or more justifies a TPO
G1	11	12
W1	12	13

7. The group of trees were shown to be retained on both planning applications, but as these are outline with all matters reserved apart from access there is a degree of uncertainty about the future layout of the site. In such circumstances a TPO can be useful, firstly it will focus the mind of any developers and contractors and help ensure the trees remain protected during construction, it can also protect trees when future occupiers move in, or if the land were to change hands which often happens following planning approval. It is expedient to protect the woodland, given that the future use of the land outside of the approved outline planning permissions is not known. Government advice is that such risks do not have to be imminent for trees to justify protection and the Council can proactively make a TPO when changes to property ownership and future intentions are not known.
8. Government advice is explicit that a woodland TPO "should not hinder beneficial woodland management." As trees mature, they increase in size and often woodlands require selective thinning. Such work is likely to be appropriate and whilst it would require an application to be made this is not considered unreasonable. Advice also states that "authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example by

making a single application for regularly repeated operations.” Such an approach would minimize the need for the applicant to apply for phased or repeat work. The need to apply to carry out work to the woodland is not considered to be unreasonably onerous and should not prevent the TPO being confirmed.

9. There is a mistake in the TPO schedule as it specifies 10 Oak trees instead of 1. Officers having had a chance to go back to the site and review the trees in more detail, it is suggested that the number of protected Pine trees is reduced from 8 to 7, this will allow the omission of a small suppressed specimen. It is also proposed that the Oak and Southern Beech are also omitted as they are not especially good quality trees and have been slightly suppressed by the larger Pines. This will allow the land owner and future occupiers of the site a little discretion on how the trees are managed, whilst protecting the larger Pine trees.
10. The approved outline applications do not require the trees to be retained and without the TPO there would be nothing to stop them being felled at any time. Planning conditions can be used to protect trees during the construction period, but they don't provide any long-term protection beyond this, whereas the TPO will continue to protect the trees should the site, or parts of it, be sold, developed or occupied. On top of this long-term protection, TPO's also allow us to condition replacements when trees need to be removed.
11. The Council's corporate strategy for 2019 to 2023 sets out 4 main priorities, one of which is the environment and the Council is keen to support new planting and protect trees through the use of TPO's. Given the Council's priorities, the fact the amenity value of the trees will increase should development take place and given the uncertainty on the future use and layout of parts of the site, it is considered the Order should be confirmed, but with the suggested modifications.

RECOMMENDATION

It is **RECOMMENDED** that the Alockton No.1 Tree Preservation Order 2019 be confirmed with the modification shown on the schedule below and attached plan.

ASLOCKTON NO.1 TREE PRESERVATION ORDER 2019

SCHEDULE - Revision A

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
N/A		

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
N/A		



Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Group consisting of 7 Pine Trees	Located on the southern boundary of the Maltings, Abbey Lane, Aslockton

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	All deciduous trees of whatever species	Located on the western boundary of the Maltings, Abbey Lane, Aslockton



 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project Edwalton No.1 Tree Preservation Order 2019	Date Dec 2019	Project officer T Pettit	
		Drawing title Land South of Landmere Lane and West of Melton Road, Edwalton	Scale 1:1250	Drawn TP	Checked
			Reference 665.43	Rev.	

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19/00260/TORDER

Location Land South of Landmere Lane, Edwalton

Proposal Edwalton No.1 Tree Preservation Order 2019

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The protected trees are located on a strip of unregistered land that was formally part of the adopted highway before it was stopped-up due to a new road layout. To the north of the site new offices are being constructed, to the east is Melton Road, to the south and west is the site of a new Aldi store also under construction. To the north west of the site is Landmere Lane leading to Wheatcroft garden centre.

DETAILS OF THE TREE PRESERVATION ORDER

2. The Tree Preservation Order (TPO) protects a line of 5 Lime trees at the eastern end of a longer row of trees running along the south side of Landmere Lane. The other trees are not protected as they are still within the highway and are responsibly managed by Nottinghamshire County Council.
3. The Tree Preservation Order was made on the 17th December 2019. Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made.

Representations

4. An objection to the TPO has been received from Potential Planning acting on behalf of Aldi for the following reasons:
 - The trees are outside of their ownership, but the roots and canopy encroach onto their land.
 - The trees do not make such a contribution that their removal would have a significant negative impact on the local environment and its enjoyment by the public.
 - The protection of the trees would not bring a degree of public benefit now or in the future. Once the Aldi and neighbouring office development are complete the trees will have limited visibility from Landmere Lane and Melton Road with no road or path running along their length from which public benefit may be gleamed.
 - The Lime trees offer no rarity, cultural or historic value, nor do they contribute to the character or appearance of a conservation area which a tree or trees must offer in addition to their amenity value to warrant making an Order.
 - The design team have highlighted a potential conflict in respect to the cladding the building. 2.5m of working space is required to install the cladding and there is concern there is not sufficient working space to

carry out the approved work without interfering with some or all of the tree crowns.

- Aldi Stores Ltd. are not interested in removal/damage of trees unnecessarily to facilitate development and this is demonstrated through the planning permission which, i. retains trees where possible; ii. enhances trees and flora through the introduction of a comprehensive landscape scheme; and, iii. includes protection measures during the construction phase. However, they want to prevent measures being put in place which afford disproportionate levels of protection to trees which are not fit for protection through mechanisms available.

APPRAISAL

5. With regard to the amenity value, Government advice is that trees should normally be visible from a public place, such as a road or footpath, or accessible by the public. The trees are currently visible from Landmere Lane and Melton Road and the A52. It is acknowledged that the building work taking place to the north and south may limit views of the trees, but it is considered that they will still be visible from public vantage points and will help soften the rear elevation of the Aldi store and enhance the setting of the new buildings. The trees are located in an important position on the edge of a new expansion of residential and retail development on a gateway site into West Bridgford. Visibility alone is not sufficient to warrant protection and the Council needs to ensure the trees are healthy and reasonable specimens. This is demonstrated in the arboricultural assessment that accompanies the planning application for the Aldi store which classifies all the protected trees as BS5837 category B, Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. The protection of such trees is entirely appropriate. The trees do not need to be rare or have cultural or historic value to warrant protection.
6. When considering whether to protect trees or not, the Council must also consider whether it is expedient to make an Order. Since the highway land was stopped up, the ownership and responsibility for the trees is no longer clear as the land is unregistered. There are also risks to the trees from the construction work taking place to both the north and south. This is made clear in the objection where there are concerns about the ability to install the cladding on the building. The TPO has not been made to prevent or limit the adjacent developments but confirming it will ensure the trees continue to be protected and would allow the council to take enforcement action if they are damaged, harmed or removed. Planning conditions can help with this during the construction period but the TPO will provide on-going protection once the adjacent buildings become occupied.
7. The TPO allows work specified in an approved planning application to take place without the need for a subsequent TPO application. In this case the tree closest to the store can be reduced by 1.25m and several trees can receive selective root pruning under arboricultural supervision. Since the objection was made Council Officers have been liaising with the developers of both the office development and the Aldi store, this has resulted in a TPO application being submitted to lift the canopies of the protected trees by 2m and prune back the sides by 1.5m. This application is yet to be decided but is supported by Officers and it will ensure that approved construction work can take place without the need to harm the trees and also ensure the trees will not interfere with the future use of the neighbouring sites when they become occupied.

8. Whilst new tree planting is proposed on the east and south boundaries of the Aldi site, the northern boundary will only gain a laurel hedge and it is the Council's view that the protected trees will play a strong part in softening the rear elevation of the store from the adjacent offices, Melton Road and Landmere Lane.
9. It is considered that the TPO should be confirmed without modification to ensure the 5 Lime trees remain protected, due to the fact the land ownership is not clear and there is development pressure from the sites to the north and south. Whilst the new buildings will screen the trees from certain viewpoints, they will remain visible to the public from both Melton Road, the A52 and Landmere Lane. The trees will soften the new development on a prominent location at the entrance to West Bridgford and Edwalton.

RECOMMENDATION

It is RECOMMENDED that the Edwalton No.1 Tree Preservation Order 2019 be confirmed without modification.

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